

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

YOSILA GODINEZ,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 4:20-cv-00828-GAF
	)	
U.S. DEPARTMENT OF	)	
HOMELAND SECURITY, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**JOINT MOTION TO STAY PROCEEDINGS**  
***(With Supporting Suggestions Incorporated)***

Plaintiff and Defendants jointly move the Court to enter an order staying all proceedings and deadlines in this case for a period of 45 days, making Defendants’ response to Plaintiff’s Motion for Summary Judgment due May 7, 2021, if the case is not otherwise disposed of before that date. In support, the parties state that since a priority date is now current, Plaintiff intends to apply for adjustment of status with USCIS and is anticipated to be eligible for work authorization in connection with such application. Kansas City ICE/Office of the Principal Legal Advisor has agreed-in-principle to join in a motion with Plaintiff to reopen and terminate Plaintiff Godinez’s removal proceedings, which will permit Plaintiff to seek adjustment of status (and work authorization) with USCIS. Thereafter, Plaintiff intends to file with USCIS an adjustment application, fee waiver application, and work authorization application. USCIS intends to expedite Plaintiff’s work authorization application, which will obviate the need for further litigation in this case.

“A district court has broad discretion to stay proceedings when appropriate to control its docket.” *Sierra Club v. U.S. Army Corps of Eng’rs*, 446 F.3d 808, 816 (8th Cir. 2006). “The proponent of a stay bears the burden of establishing its need.” *Clinton v. Jones*, 520 U.S. 681,

708 (1997). This Court has stated that “courts have considered the following factors in determining whether a stay is warranted: ‘(1) potential prejudice to the non-moving party; (2) hardship and inequity to the moving party if the action is not stayed; and (3) the judicial resources that would be saved.’ ” *Emerson v. Lincoln Electric Holdings, Inc.*, No. 09-6004-CV-SJ-GAF, 2009 WL 690181, at \*1 (W.D. Mo. Mar. 12, 2009) (quoting *Rivers v. Walt Disney Co.*, 980 F. Supp. 1358, 1360 (C.D. Cal. 1997)). *See also In re: Pre-Filled Propane Tank Antitrust Litig.*, No. 14-02567-MD-W-GAF, 2015 WL 11022887, at \*2 (W.D. Mo. Feb. 24, 2015).

Here, the balance of factors strongly favors a stay. First, the parties jointly move for a stay, so there is no potential prejudice to any non-moving party. Second, the parties will suffer hardship if the action is not stayed. If the action is not stayed, the parties will be forced to litigate a complicated administrative law challenge which is likely to be rendered moot in advance of this Court’s determination. Third, staying the case will preserve judicial resources. The parties anticipate that after a brief stay, administrative action by Defendants will moot the current controversy over the denial of Plaintiff Godinez’s application for employment authorization.

WHEREFORE, the parties move the Court to enter an order staying all proceedings and deadlines in this case for a period of 45 days, making Defendants' response to Plaintiff's Motion for Summary Judgment due May 7, 2021, if the case is not otherwise disposed of by that date.

Date: March 23, 2021

Respectfully submitted,

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